IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 2033 of 2005

Between:

1 The Senior Superintendent of Post Offices, Prakasam Division, Ongole.
2 The Assistant Superintendent of Post Offices, Chirala Sub Division, Chirala.
3 The Postmaster General, Vijayawada Region, Vijayawada.
4 Union of India, rep., by its Secretary to the Department of Posts, New Delhi.

... PETITIONERS

AND

Shaik Nazeerulla, s/o Shaik Bashu,
E.D.M.C./D.A. in China Gangam S.O. under Chirala Head Office of Prakasam Postal Division,
Ongole.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue preferably a writ in the nature of certiorari or any appropriate writ, order or direction, calling for the records pertaining to order dated 15-9-2004 in

OA.No.1640 of 2003 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same.

Counsel for the Petitioners: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

Counsel for the Respondent: MR.K.VENKATESWARA RAO

The Court made the following:

ORDER: (Per JC,J)

The writ petition is filed with a prayer as follows:

> *"..High Court may be pleased to issue preferably a writ in the nature of certiorari or any appropriate writ, order or direction, calling for the records pertaining to order dated 15-9-2004 in OA.No.1640 of 2003 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same."*

The Gramin Dak Sevak Mail Carrier/Deliverer (earlier known as Extra-Departmental Mail Carrier/Delivery Agent) of Chinaganjam Sub Post Office was placed under suspension pending certain disciplinary action against him. In view of the vacancy, the respondent herein was appointed provisionally in the said vacancy with effect from 19.06.1999. It appears that the result of the disciplinary proceedings went against the permanent employee and he was removed from service with effect from 22.07.2002. In the meanwhile, the Director General (Posts), Postal Directorate, New Delhi sent a communication instructing all the subordinates that all the Gramin Dak Sevaks' posts are required to be managed on combination of duties engaging regular GDS officials and no substitute or provisional arrangement is to be made for the posts. As a consequence, the service of the respondent was terminated by the second petitioner herein by his proceedings dated 12.08.2003.

Aggrieved by the termination, the respondent approached the Central Administrative Tribunal, Hyderabad Bench in O.A.No.1640 of 2003 seeking various reliefs. The details of which may not be necessary except saying in substance that the respondent is entitled for a declaration for a regular appointment as EDMC. The Central Administrative Tribunal by the order impugned in this writ petition, dated 15.09.2004, allowed the O.A. at the

admission stage directing the writ petitioners herein to include the name of the respondent herein in the list of "thrown out candidates" and consider his case for providing alternative appointment as per instructions dated 23.02.1979. Challenging the same, the present writ petition is filed.

The instructions issued by the Director General (Posts), dated 18.05.1979 and another Circular, dated 17.12.1999, took note of the fact that such provisional appointments were being made as Extra-Departmental Mail Carriers and such people were being continued indefinitely and therefore, gave various instructions to subordinates. The relevant para in the context of the present case is as follows:

> *"2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' continuous approved service. In such cases, their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G., P&T., Letter No.43-4/77-Pen., dated 23.2.1979."*

In substance, the Administrative Tribunal by its order only directed that the instructions of the Director General, Posts and Telegraph, referred to earlier, be implemented. We do not see any error of jurisdiction or illegality in the order of the Tribunal warranting interference of this Court.

The writ petition is, therefore, dismissed and in the circumstances, without costs.

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J.CHELAMESWAR, J.

Dated: 16.06.2005.

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M.VENKATESWARA REDDY, J.

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To

1. Sri Shaik Nazeerulla, s/o Shaik Bashu,
E.D.M.C./D.A. in China Gangam S.O. under Chirala
Head Office of Prakasam Postal Division,
Ongole.

2. Two CD copies.